THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.26381 of 2006

DATED 20.12.2006

Between:
Smt.Adarsh Kumari. … PETITIONER

versus

The Municipal Corporation of
Hyderabad, represented by its Commissioner,
Municipal Corporation of Hyderabad
Buildings Lower Tank Bund Road,
Hyderabad. … RESPONDENT

WRIT PETITION NO.26381 of 2006

ORDER:

The matter is coming up for admission today. Smt.Jyoti Kiran, learned Standing Counsel, takes notice on behalf of the respondent.

2. Heard Sri M.V.Bharati, learned counsel representing the writ petitioner and Smt.Jyoti Kiran, learned Standing Counsel.

3. Sri M.V.Bharati, learned counsel representing the writ petitioner states that as per the deeming provision, the petitioner had proceeded with the constructions and hence the respondent cannot disturb the same. On the contrary, learned Standing Counsel had pointed out that even for availing the benefit under the deeming provision, specific procedure may have to be followed, but the petitioner had not followed the said procedure and there is also no whisper about the same in the affidavit filed in support of

the Writ Petition.

4. This Court is not inclined to express any further opinion on this aspect. However, the respective contentions of both the learned counsel are hereby recorded.

5. In view of the facts and circumstances, the Writ Petition is disposed of directing the respondent-Corporation not to cause any interference in respect of the compound wall and one room constructed by the petitioner in the premises bearing No.8-4-371/B/150 in plot No.6, admeasuring 215.5 square yards equivalent to 180.14 square meters in S.No.128/1 in the lay out of M/s.Saradhi Co-operative Housing Society Limited situated at Yousufguda, Hyderabad, unless and until due process of law is followed. No costs.

20.12.2006

SSR

Issue order copy in two (02) days.

(BO)